RESPONSE AND REMARKS

CLAIM REJECTIONS UNDER 35 USC SECTION 103(a)

In the Office Action, a Final rejection, Claims 1-6, 49-52 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,485,369; "*Nicholls*") in view of Fisher et al. (U.S. Patent No. 6,047,264; "*Fisher*"), Kara et al. (U.S. Patent No. 6,233,568; "*Kara*") and Thiel (U.S. Patent No. 5,699,258; "*Thiel*"). Claims 28-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nicholls* in view of Pauly et al. (U.S. Patent No. 4,958,280; "*Pauly*"), *Kara* and *Thiel*. Claims 1-6, 28-33, 49-52 and 58 may sometimes be referred to herein collectively, as the "rejected Claims".

RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER SECTION 103(a)

The rejections of the Claims have been carefully considered. Amendments to Claims 1, 28, 49-52 and 58 are filed concurrently herewith to more distinctly claim the claimed invention. Claims 7-27, 34-48, and 53-57 have previously been cancelled. Claims 2-6, and 29-33 remain in the application as previously presented. Claims 59-65 stand withdrawn.

For the reasons given below, it is respectfully submitted that none of *Nicholls*, *Fisher*, *Thiel*, *Pauly*, and *Kara*, whether considered alone, or in combination, anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application.

A.   _There is No Disclosure in Fisher of the Fisher Carriers Themselves Providing Delivery Notification or of any Monetary Distinction or Service Level Distinction, or of any Report or Display of any Monetary or Service Level Distinction, Between Charges or Service Levels Provided by one Fisher Carrier or Another for Providing Delivery Notification_

It is respectfully submitted that there is no disclosure in *Fisher* of the *Fisher* carriers themselves providing any type of delivery notification. Rather, in *Fisher*, as further explained below, it is the *Fisher* system that interrogates a

carrier's system to determine the status of a customer's respective shipment; it is the *Fisher* system that then composes an email messages to the respective customer regarding the status of the customer's respective shipment.

Moreover, it is respectfully submitted that there is no disclosure in *Fisher* of any monetary distinction or service level distinction, or of any report or display of any monetary or service level distinction, between shipping charges or service levels provided by one *Fisher* carrier or another for providing one type or another of delivery notification.

Fisher discloses a merchant system that tracks shipment status of a customer's order sent by a particular merchant using a particular carrier to the respective ordering customer. According to *Fisher*, the *Fisher* system interrogates the carrier's system to determine the shipping status of the respective order. The *Fisher* system then composes and sends an email notice to the respective ordering customer regarding their respective order shipment status. *Fisher*, col. 2, lines 12 – 18.

As compared to a system such as disclosed in *Fisher* that itself composes a shipment status email message based on a carrier-system interrogation, it is respectfully asserted that Claim 1, for example, is directed to "... display ... a simultaneous identification of *shipping charges* for each delivery service offered by the respective carrier *to ship the particular parcel* according to the parcel shipping specifications..." (emphasis added). *See also*, Claims 28 and 49. That is, as compared to the *Fisher* system that itself provides shipment status, Claim 1, for example, is directed to providing a simultaneous display of shipping charges for various carriers and various delivery services that would provide delivery notification for shipping a parcel.

For reasons similar to those described above regarding Claims 1, 28 and 49, it is respectfully submitted that *Fisher* does not disclose "... display[ing] to a display device configured for communication with a user client computer device associated with the at least one respective user, a simultaneous identification of each service-specific, carrier-specific delivery notification service charge ..." as recited by amended Claim 50.

For reasons similar to those described above regarding Claims 1, 28 and 49, it is respectfully submitted that *Fisher* does not disclose "...simultaneously displaying ... service-specific shipping charges ..." for multiple delivery services offered by multiple carriers as claimed by Claim 58.

As compared to a system such as disclosed in *Fisher* that itself composes a shipment status email message based on a carrier-system interrogation, it is respectfully asserted that Claim 51, for example, is directed to "... simultaneously identify[ing] to a respective user of a plurality of users, in response to the respective user's request for at least one delivery notification service option of a plurality of delivery notification service options for shipping a respective parcel, each delivery service offered by each respective carrier of a plurality of carriers that would support each delivery notification service option requested by the respective user for delivery of the respective parcel...." That is, as compared to the *Fisher* system that itself provides shipment status, Claim 51, for example, is directed to providing a simultaneous identification of "... each delivery service offered by each respective carrier of a plurality of carriers that would support each delivery notification service option requested by the respective user for delivery of the respective parcel...."

For reasons similar to those described above regarding Claim 51, it is respectfully submitted that *Fisher* does not disclose "... displaying to a respective user of a plurality of users, in response to the respective user's request for at least one delivery notification service option of a plurality of delivery notification service options for shipping a respective parcel, a simultaneous identification of each delivery service offered by each respective carrier of a plurality of carriers that would provide the delivery notification service options requested by the respective user for shipping the respective parcel..." as recited by amended Claim 52.

Further, Claim 1 (*cf. also*, Claims 28 and 49), for example, recites that "... a request input by a user ..." is "... for an electronic mail delivery notification service by a *carrier system* ..." (emphasis added) as compared to an electronic mail delivery notification service *by the claimed system.* That is, as compared to

a system as in *Fisher* that discloses *providing* electronic mail delivery notification, e.g., amended Claim 1 recites "... a request input by a user for an electronic mail delivery notification service *by a carrier system* for shipping a particular parcel ...".

It is respectfully asserted, for the reasons described above, that *Fisher* whether considered alone or in combination with any other reference of record, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application.

B.   ***There is No Disclosure in Pauly of Pauly Carriers Themselves Providing Delivery Notification or of any Monetary Distinction or Service Level Distinction, or of any Report or Display of any Monetary or Service Level Distinction, Between Charges or Service Levels Provided by one Pauly Carrier or Another for Providing Delivery Notification***

Similar to the reasons given above with respect to *Fisher*, it is respectfully submitted that there is no disclosure in *Pauly* of *carriers themselves* providing any type of delivery notification or of any monetary distinction or service level distinction, or of any report or display of any monetary or service level distinction, between shipping charges or service levels provided by one carrier or another for providing one type or another of delivery notification.

Pauly is directed to a central ordering/inventory system for ongoing fulfillment of disposable contact lens prescriptions. *See Pauly*, Abstract. *Pauly* discloses shipping from the centralized inventory to the respective eye care professionals. *See, e.g., Pauly*, col. 3, lines 1-10.

As compared to the limitations of *e.g.*, Claim 1 (*see also*, Claims 28 and 49) for providing a "... display [of] ... a simultaneous identification of *shipping charges* for each delivery service offered by the respective carrier *to ship the particular parcel* according to the parcel shipping specifications..." (emphasis added), in *Pauly*, the *Pauly* system is "... [p]rogram[med] to allow customer service representatives to view orders already generated and learn the status of these orders, picked, shipped, etc. The representatives will also be able to

confirm prescriptions as well as ship-to addresses." _Pauly_, col. 9, lines 34-38.

For similar reasons, it is respectfully submitted that _Pauly_ does not disclose "…simultaneously displaying … service-specific shipping charges …" for multiple delivery services offered by multiple carriers as claimed by Claim 58.

For the reasons given above, it is respectfully asserted that _Pauly_, whether considered alone, or in combination with any other reference, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application.

C.   _There is No Disclosure in Kara, Nicholls or Thiel of a Simultaneous Identification of Shipping Charges for Each Delivery Service of Each Carrier_

It is respectfully asserted that _Kara_, whether considered alone, or in combination with any other reference of record, does not anticipate, disclose, teach or suggest the limitations, e.g., of amended Claims 1, 28, and 49 of a "… simultaneous identification of shipping charges for _each delivery service_ offered by the respective carrier to ship the particular parcel according to the parcel shipping specifications …" (emphasis added).

As compared to the above-cited limitations of, _e.g._, Claims 1, 28, and 49, in _Kara_, the "program automatically calculates the fees for each shipping service provider offering service commensurate with the desired shipping and/or delivery parameters." _Kara_, col. 22, lines 39 – 42. That is, according to _Kara_, only once the user indicates a service type to the _Kara_ system, will the _Kara_ program calculate the rates for each carrier that supports service type previously indicated by the user. Notably, only one rate per carrier is calculated.

Similar to _Kara_, as compared to, for example, the above-cited limitations of Claims 1, 28, and 49, _Nicholls_ does not disclose any display of a simultaneous identification of shipping charges for _each_ delivery service offered by [a] respective carrier according to the parcel shipping specifications. _See also_, _Office Action_, Topic No. 17, Page 5 ("Nicholls discloses the automatic selection of a carrier and fails to disclose displaying the rates of the carriers to the user.").

Nicholls describes its FIG. 4A as showing that:

> [T]he Shipments client accepts user input for the routing, rating and documentation of a group of packages comprising a shipment… the service is selected from the Service box. Alternatively, the service may be set to Best Way and the system will choose the least cost carrier which meets the transit time requirements indicated in the commitment field.

Nicholls, col. 7, lines 52-61. That is, a user of the Nicholls system must input (pre-select), in the "commitment field", a transit time requirement (such as, e.g., overnight, or 2-day -- i.e., an input similar to a delivery service) before the Nicholls system will calculate any rates. Then, depending on whether the user has input "Best Way", or has input a particular carrier in the Service box, when the user clicks the "Rate" icon, the Nicholls system will calculate a rate for the given user input. There is no disclosure in Nicholls that the Nicholls system will display more than a single rate responsive to the given user input.

Similarly, it is respectfully submitted that Thiel does not disclose a simultaneous identification of shipping charges for each delivery service of each carrier. Thiel discloses a system, method and device for franking postal matter (applying postage to mail). Thiel, Abstract. Similar to Kara, Thiel discloses a comparison and display of shipping costs (e.g., Thiel, col. 6, lines 53-55) by multiple carriers based on a user first selecting a type of shipment (express, air, priority, general, etc.) (e.g., Thiel, col. 8, lines 58-66). Thiel explains that the stored Thiel table cited by the Office Action (at Col. 11, lines 1-13 in Office Action Topic No. 10, p. 4) is used to perform a mask search after the user has already "defined the required services." Thiel, col. 11, lines 15-23.

For reasons similar to those given above with respect to Claims 1, 28, and 49, it is respectfully submitted that none of Kara, Nicholls or Thiel disclose "…simultaneously displaying … service-specific shipping charges …" for multiple delivery services offered by multiple carriers as claimed by amended Claim 58.

For the reasons given above, it is respectfully asserted that none of Kara, Nicholls or Thiel, whether considered alone, or in combination with any other reference, anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application.
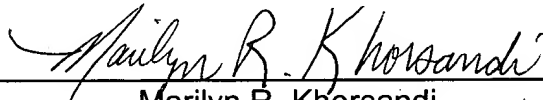
CONCLUSION

For the foregoing reasons, because, as respectfully asserted above, independent Claims 1, 28, 49-52, and 58, as amended, are patentable over the cited references, it is respectfully asserted that dependent Claims 2 through 6, and 29 through 33, are therefore also patentable over the cited references.

In view of the foregoing reasons, it is respectfully submitted that the invention disclosed and claimed in the present amended application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,

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